



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 14, 2006

IV.3.
ITEM NUMBER:

SUBJECT: PARCEL MAP PM-06-213
134 EAST WILSON STREET, UNITS A AND B

DATE: AUGUST 3, 2006

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

DESCRIPTION

Applicant is proposing a one-lot, airspace subdivision to facilitate the common interest development (condominium) conversion that was approved under Planning Application PA-06-21.

APPLICANT

Ali Sedghi is the property owner and applicant for this project.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.



WENDY SHIH

Associate Planner



R. MICHAEL ROBINSON, AICP

Asst. Development Services Director

BACKGROUND/ANALYSIS

On June 26, 2006, Planning Commission approved Planning Application PA-06-21 to allow conversion of two existing apartment units into a common interest development (condominiums). The result will be a 2-unit ownership housing project. The applicant is processing the map that will facilitate the conversion. The proposed map will subdivide the airspace to allow the individual units to be sold independent of one another. The map complies with City Codes and the State Subdivision Map Act.

The staff report and plans for the condominium conversion are attached for reference.

GENERAL PLAN CONSISTENCY

General Plan Goal LU-1A.4 encourages additional home ownership opportunities within the City. Approval of the parcel map would facilitate the condominium conversion and, therefore, be consistent with the 2000 General Plan.

ALTERNATIVES

If the parcel map is denied, the individual units could not be sold independent of one another and could only be used as rentals.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 (k) for Existing Facilities.

CONCLUSION

Approval of the parcel map will facilitate an ownership housing project as approved by Planning Commission under Planning Application PA-06-21. The map is in compliance with the requirements of the Subdivision Map Act, Planning Application PA-06-21, and Chapter XI (Subdivision) of the Zoning Code.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Zoning/Location Map
 Parcel Map No. 2006-213
 Staff Report PA-06-21
 Plans

cc: Deputy City Manager - Dev. Svs. Director
Sr. Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Ali Sedghi
134 E. Wilson St., Unit A
Costa Mesa, CA 92627

Occupant
134 E. Wilson St., Unit B
Costa Mesa, CA 92627

File: 081406PM06213	Date: 080106	Time: 9:30 a.m.
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RESOLUTION NO. PC-06-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PARCEL MAP PM-06-
213**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Ali Sedghi, property owner with respect to the real property located at 134 East Wilson Street, Units A and B, requesting approval of a one-lot, airspace subdivision to facilitate a common interest development (condominium) conversion in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 14, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Parcel Map PM-06-213 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Parcel Map PM-06-213 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 14th day of August 2006.

Bill Perkins, Chair
Costa Mesa Planning Commission

H

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on August 14, 2006, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- B. Approval of the subdivision will allow additional home ownership opportunities without impacting affordable rental housing. This is consistent with the objectives, policies, general land use, and programs specified in the General Plan.
- C. The subject property is physically suitable to accommodate PM-06-213 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- D. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- E. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entry and/or public utility rights-of-way and/or easements within the tract.
- F. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- G. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA, under Section 15301 (k) for Existing Facilities.
- H. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- I. The information presented complies with Section 13-29(e) of the Costa Mesa Municipal Code in that the proposed use is compatible and harmonious with developments and uses that exist in the general neighborhood. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features, which may include functional aspects of the site development such as automobile and pedestrian circulation, have been considered. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. The applicant is reminded that all conditions, Code requirements, and special district requirements, of Planning Application PA-06-21 still apply (copy of conditions attached).
2. The applicant shall contact the Building Safety Division, prior to recordation of the parcel map, to provide proof that the Uniform Building Code requirements for condominiums have been satisfied, to obtain a change of occupancy permit, and to complete any additional requirements created through this conversion.
3. The applicant shall offer the existing tenant right of first refusal to purchase a unit with terms more favorable than those offered to the general public. If the existing tenant confirms in writing that she is not interested in purchasing a unit, the property owner will pay the registration fee for an apartment referral service. The property owner shall provide the Planning Division staff a copy of the written offer and the tenant's written response prior to recordation of the parcel map. The applicant shall also provide evidence of the payment of the registration fee for an apartment referral service for tenants not accepting the purchase offer.
4. The CC&R's shall require that garage spaces be used for parking only. Any changes made to this provision require prior review and approval by the City of Costa Mesa.
5. The applicant shall show proof of compliance with all applicable conditions of approval and code requirements prior to the recordation of the final map. This condition shall be completed under the direction of the Planning Staff.
6. The CC&R's shall include a provision mandating binding arbitration in the event of any dispute between the two property owners relating to the homeowner's association.

PLANNING DIVISION - CITY OF COSTA MESA
DESCRIPTION/JUSTIFICATION

Application #:

Environmental Determination:

Address:

134 E. Wilson Street, Costa Mesa, CA 92627

1. Fully describe your request:

Tentative Parcel map approval for planned common interest conversion.

2. Justification

- A. For a Conditional Use Permit or Minor Conditional Use Permit:** Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

N/A

- B. For a Variance or Administrative Adjustment:** Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

N/A

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

Am. Seidman
Signature

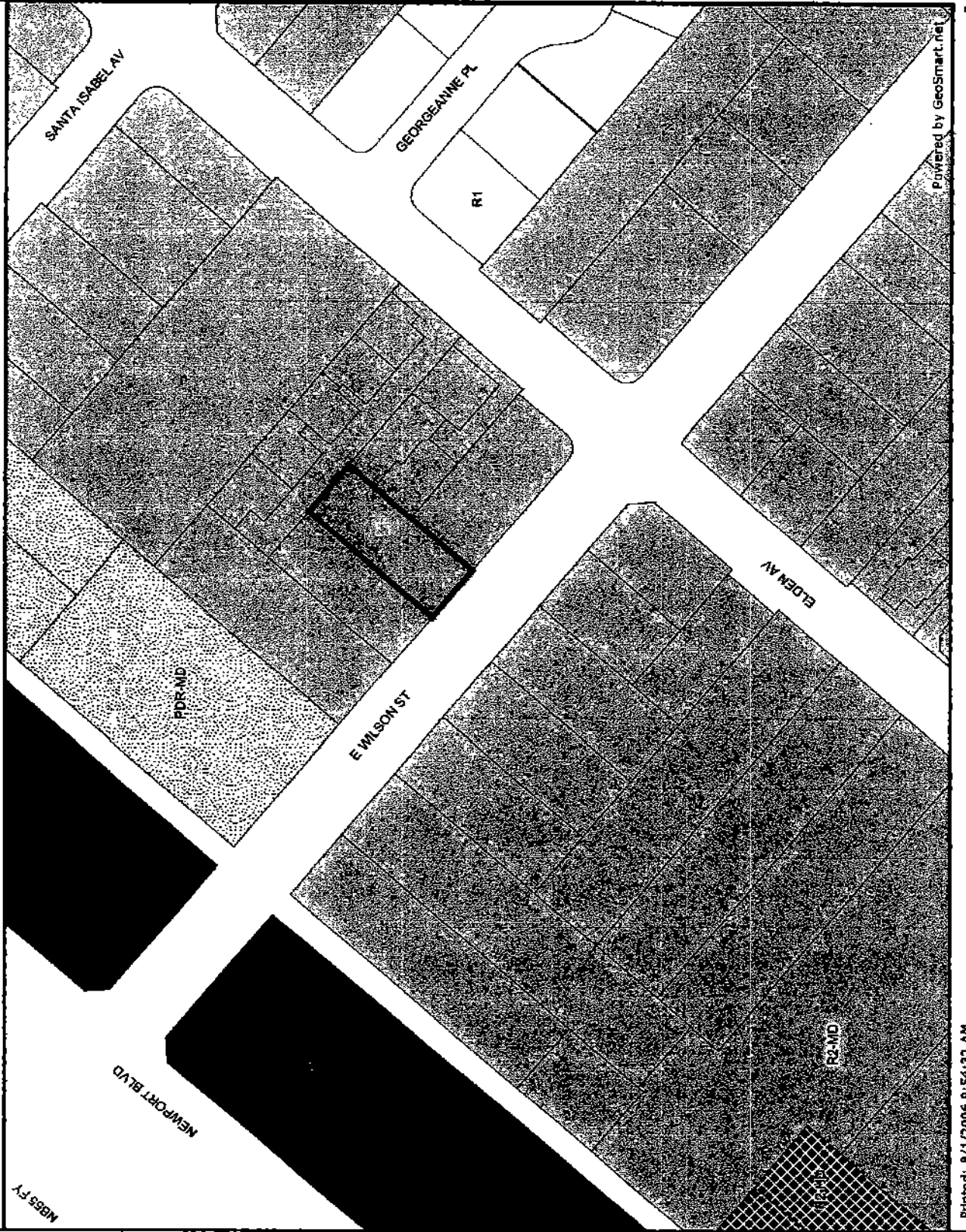
6/26/06
Date

ZONING/LOCATION MAP

134 East Wilson Street

- Legend**
- Selected Features
 - Street Names
 - Parcel Lines
 - City Boundary
 - Zoning

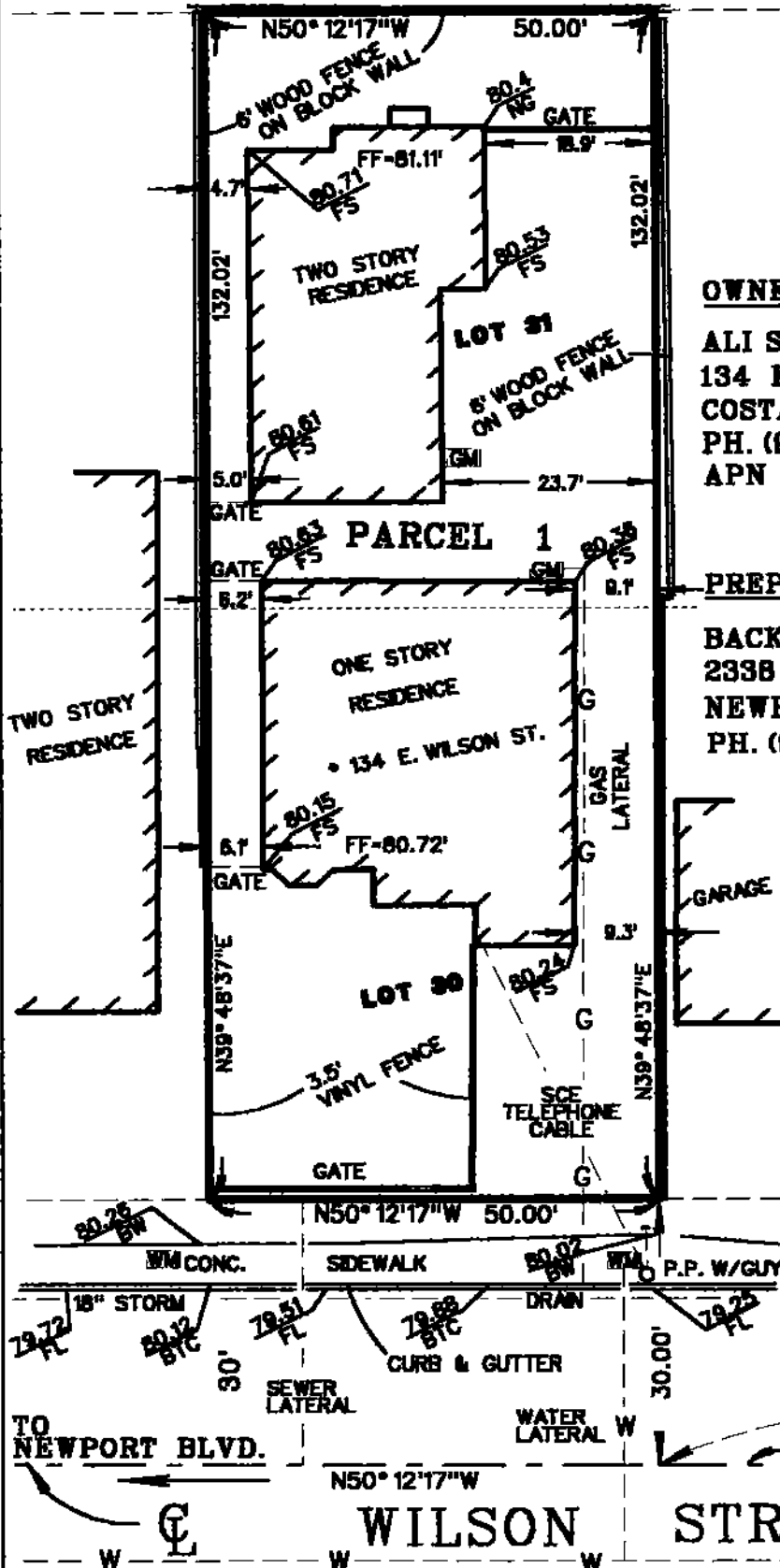
AP C1 C1-S C2 CL IDA IDA-S NG NP P PDC PDI PDR-HD PDR-LO PDR-MD PDR-NCH R1 R2-HD R2-MD R3 TC Parcels



TENTATIVE PARCEL MAP NO. 2006-213

IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, CALIFORNIA, BEING
THE NW'LY 50 ft. OF THE SE'LY 189 ft. OF LOT 30 AND THE NW'LY 50
ft. OF THE SE'LY 189 ft. OF LOT 31, BOTH OF TRACT NO. 300 PER
M.M. 14/11 AND 12, RECORDS OF SAID ORANGE COUNTY.

FOR CONDOMINIUM PURPOSES

**OWNER:**

ALI SEDGHI
134 E. WILSON STREET
COSTA MESA, CA. 92627-1520
PH. (949) 636-2866
APN 439-272-11

PREPARED BY:

BACK BAY SURVEYING & MAPPING
2338 TUSTIN AVENUE
NEWPORT BEACH, CA 92660
PH. (949) 631-1825



Douglas O. Foster

DOUGLAS O. FOSTER P.L.S. 4599
DATE: JUNE 20, 2006

TO SANTA
ISABEL AVE.

516.38' →
ELDEN AVENUE

N39° 48' 37" E

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PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 26, 2006

TH 6.
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-06-21
134 EAST WILSON STREET, UNITS A AND B

DATE: JUNE 15, 2006

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754.5136

DESCRIPTION

The applicant proposes to convert two existing apartment units into condominiums.

APPLICANT

Ali Sedghi is the property owner and applicant for this project.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 134 East Wilson Street, Units A & B Application: PA-06-21

Request: Conversion of two existing apartment units into condominiums.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R2-MD</u>	North: <u>All surrounding properties</u>
General Plan: <u>Medium Density Residential</u>	South: <u>are residentially zoned</u>
Lot Dimensions: <u>50 ft. x 132 ft.</u>	East: <u>and developed with</u>
Lot Area: <u>6,600 sq. ft.</u>	West: <u>zoning designation of R2-MD</u>
Existing Development: <u>Two, two-bedroom apartment units.</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	100 ft.	50 ft.*
Lot Area	12,000 sq. ft.	6,600 sq. ft.*
Density:		
Zone/General Plan	1 du/3,000 sq. ft. (existing lot between 6,000 sq. ft. and 7,260 sq. ft. as of March 16, 1992)	1 du/3,300 sq. ft.
Building Coverage:		
Buildings	N/A	33% (2,155 sq. ft.)
Paving	N/A	27% (1,790 sq. ft.)
Open Space	40% (2,640 sq. ft.)	40% (2,655 sq. ft.)
TOTAL	100% (6,600 sq. ft.)	100% (6,600 sq. ft.)
Private Open Space:	10 ft. x 10 ft. min.	14 ft. min.
Rear Yard Coverage:	25 % (250 sq. ft.)	17% (170 sq. ft.)
Building Height (rear unit):	2 stories/27 ft.	2 stories/ 24 ft.
Setbacks:		
Front	20 ft.	27.5 ft.
Side (left/right)	5 ft./5 ft.	5 ft./10 ft.
Rear (1 st floor/2 nd floor rear unit)	10 ft./20 ft.	12.5 ft./20 ft.
Parking:		
Covered	2	3
Open	3	2
Guest	1	1
TOTAL	6 Spaces	6 Spaces
Driveway Width:	16 ft.	16 ft.**
Parkway Landscaping:	10 ft. wide/ 3 ft. min. dimension	0 ft.***
CEQA Status	Exempt, Class 3	
Final Action	Planning Commission	

* Existing nonconforming.

** Minor Modification approved under PA-04-28.

*** Variance approved under PA-04-28.

BACKGROUND

On September 13, 2004, Planning Commission approved Planning Application PA-04-28 for a variance from driveway landscaping requirement with a minor design review to construct a new, two-story residence (unit B) behind an existing one-story residence (unit A), and a minor modification from driveway width requirements. Construction of the duplex was completed in January 2006 and both units are currently occupied. The property owner proposes to convert the units into condominiums. The Code was recently revised to allow two units to be constructed as, or converted to, common interest units.

Pursuant to Code Section 13-42(g), Planning Commission review is required when occupied apartments are proposed to be converted to a common interest development. The review is required to confirm compliance with applicable development standards and to consider potential impacts on the rental housing supply and displacement of tenants if the City's vacancy rate is below 3%.

A parcel map will be required to be processed and recorded before the units can be sold independent of one another. The applicant is aware of this requirement but did not want to incur the cost of having the map prepared until Planning Commission acted on the conversion.

ANALYSIS

Common interest projects must comply with additional development standards above those applicable to apartments. These additional development standards include provision of a minimum 10-foot by 10-foot private open space for each unit and provision of on-site lighting. The project already complies with the common interest development requirements. The project is also in compliance with all applicable residential development standards and design guidelines, or has received a variance and/or minor modification to deviate from Code.

There is concern that conversions may potentially diminish the supply of rental housing and displace long-term residents unreasonably, particularly senior citizens, low- and moderate-income families, and families with school-age children. Consequently, City Council established a "critical vacancy rate" of 3% as the threshold for discouraging conversion of apartments to common interest developments. When the citywide rental vacancy rate is 3% or less, Planning Commission may deny any requested conversions. The 2000 census data indicates the City's rental vacancy rate is 2.8%.

The front unit is owner-occupied and the tenant in the rear unit is currently paying \$2,250 a month in rent for the 2-bedroom unit. The current affordable rental rates for 2-bedroom units are \$881 for very-low income and \$1,392 for moderate-income persons as established by United States Department of Housing and Urban Development (HUD). Based on this information, the monthly rents for the existing unit exceeds the affordable rental rates for very-low, low, and moderate-income households. Therefore, the conversion of the units would not result in a loss of affordable rental units. Since

the existing tenant has not occupied the unit for more than 6 months and there are no senior citizens or school age children residing on the property, conversion of the units would not displace residents unreasonably. However, staff is recommending a condition requiring the owner offer right of first refusal to the existing tenant, with terms more favorable than those offered to the general public. If the tenant confirms that she is not interested in purchasing a unit, the property owner will be required to pay the registration fee for an apartment referral service. It is staff's opinion that conversion of the units into condominiums will not substantially diminish the supply of rental housing and displace residents unreasonably since 60% of the City's housing units are renter occupied (40% is generally the norm) and General Plan Goal LU-1A.4 seeks to "improve the balance between rental and ownership housing opportunities".

As required by Code, a property inspection report as well as a termite report was submitted, and a City property inspection report was prepared. Since the front unit was remodeled and the rear unit constructed approximately 6 months ago, it complies with all current code requirements and there is no evidence of termite infestation.

GENERAL PLAN CONFORMITY

Approval of the conversion will satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City. The proposed conversion meets the General Plan's Land Use and Housing Element goals and objectives for additional ownership housing and will improve the balance between rental and ownership housing opportunities within the City. The units, whether utilized as apartments or condominiums, are consistent with the current Medium Density General Plan land use designation.

ALTERNATIVES

The units could continue to be rented if the applicant's request is denied.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

All on-site development was approved under Planning Application PA-04-28. The project is in compliance with all common interest development requirements. Conversion of the apartments will result in additional home ownership opportunities and balancing the ratio of rental to ownership housing within the City. Additionally, the current tenant will be offered right of first refusal to purchase or the property owner will pay registration fees for an apartment search service to help her find a new apartment if she decides not to purchase.

Attachments: Draft Planning Commission Resolution
Exhibit "A" - Draft Findings
Exhibit "B" - Draft Conditions of Approval
Applicant's Project Description and Justification
Inspection Reports
Tenant Notification Letter
Location Map
Plans

cc: Deputy City Manager - Dev. Svs. Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Ali Sedghi
134 E. Wilson St., Unit A
Costa Mesa, CA 92627

Occupant
134 E. Wilson St., Unit B
Costa Mesa, CA 92627

062606PA0621	Date: 061306	Time: 3:15 p.m.
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